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FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
AUG - 4 2010	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9
 10 JUDY KROSHUS, et al.,) 3:08-cv-246-LDG-RAM
)
 11 Plaintiffs,) ORDER ON (# 460)
) MOTION FOR ORDER PROVIDING
 12 v.) FOR CLAWBACK OF INFORMATION
) INADVERTENTLY DISCLOSED
 13 UNITED STATES OF AMERICA, et al.,)
)
 14 Defendants.)
 15 _____)
 16 ALICIA UHOUSE, et al.,) 3:08-cv-0285-LDG-RAM
)
 17 Plaintiffs,)
)
 18 v.) ORDER ON (# 217)
) MOTION FOR ORDER PROVIDING
 19 UNITED STATES DEPARTMENT OF) FOR CLAWBACK OF INFORMATION
 THE INTERIOR, et al.,) INADVERTENTLY DISCLOSED
 20 _____)
 21 Defendants.)
 22 BILL ADAMSON et al.,)
)
 23 Plaintiffs,) 3:08-CV-621-LDG-RAM
)
 24 v.) ORDER ON (# 93)
) MOTION FOR ORDER PROVIDING
 25 UNITED STATES OF AMERICA,) FOR CLAWBACK OF INFORMATION
) INADVERTENTLY DISCLOSED
 26 Defendant.)
 27 _____)
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1 LARRY J. MOORE, et al.,) 3:09-CV-167-LDG-RAM
2)
3 Plaintiffs,) ORDER ON (# 81)
4 v.) MOTION FOR ORDER PROVIDING
5) FOR CLAWBACK OF INFORMATION
6 UNITED STATES OF AMERICA,) INADVERTENTLY DISCLOSED
7)
8 Defendant.)
9 _____)
10 JAMES ADGETT, et al.,) 3:09-CV-649-LDG-RAM
11)
12 Plaintiffs,)
13) ORDER ON (# 42)
14 v.) MOTION FOR ORDER PROVIDING
15 UNITED STATES OF AMERICA,) FOR CLAWBACK OF INFORMATION
16 et al.,) INADVERTENTLY DISCLOSED
17)
18 Defendants.)
19 _____)
20 BILL ADAMSON et al.,)
21)
22 Plaintiffs,) 3:09-cv-715-LDG-RAM
23)
24 v.) ORDER ON (# 48)
25 UNITED STATES OF AMERICA,) MOTION FOR ORDER PROVIDING
26) FOR CLAWBACK OF INFORMATION
27 Defendant.) INADVERTENTLY DISCLOSED
28 _____)

24 This matter came on for hearing before the Court on August
25 3, 2010. There being no objection to the proposed order and good
26 cause appearing therefor, IT IS HEREBY ORDERED AS FOLLOWS:
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28

1 1. It is recognized that the prosecution
2 and defense of these related actions will
3 require each party to review and to disclose
4 large quantities of information and documents
5 through the discovery process. As a result,
6 documents and images of documents already
7 deposited or to be deposited with Sunshine
8 Litigation Services ("Sunshine")
9 inadvertently could include materials subject
10 to privilege or other legally recognized
11 protection (hereinafter "privileged
12 information") and therefore not subject to
13 disclosure in discovery. Such inadvertent
14 disclosure of privileged information or
15 documents is possible despite due diligence
16 and reasonable care taken to protect
17 privileged information.

18 2. Any party who has deposited materials
19 with Sunshine may request the other parties
20 to return privileged documents inadvertently
21 produced with non-privileged documents. Such
22 a request shall identify the document with
23 particularity and state the privilege or
24 protection being asserted and the basis for
25 the asserted claim.

26 3. Any party who has deposited
27 materials with Sunshine may assert a claim of
28 privilege after receiving notice that another
29 party intends to refer to, quote, cite, rely
30 upon or otherwise use the material or
31 information contained therein. In asserting
32 such a claim of privilege, the depositing
33 party shall at a minimum identify the
34 document with particularity and state the
35 privilege or protection being asserted and
36 the basis for the asserted claim. Such a
37 claim shall be made in a timely manner so
38 that the claim of privilege may be challenged
39 and any such challenge resolved without undue
40 delay. A claim of privilege made within 21
41 days after receiving such a notice shall be
42 regarded as timely.

43 4. If a party does not agree with the
44 assertion of a claim of privilege by a
45 depositing party under paragraphs 2 or 3, it
46 shall notify the depositing party within 14
47 days after the receipt of the claim of
48 privilege. The depositing party may, after
49 meeting and conferring as required by

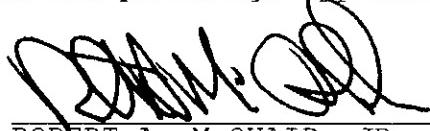
1 applicable rules, move the court for a
2 determination of that claim. The failure of
3 the depositing party to file such a motion
4 within 30 days after receiving notification
by another party of a disagreement regarding
a claim of privilege shall operate as a
waiver of the claim.

5 5. Once a document or information has
6 been identified as privileged in accordance
7 with paragraphs 2 or 3, no party shall in any
8 way copy, reproduce, refer to, quote, cite,
rely upon or otherwise use in any manner, any
such document or its contents in any
proceeding unless and until the Court
determines that the document is not protected
from discovery or the depositing party
withdraws or waives the claim of privilege
(except that the document or information may
be identified or produced, under seal or in
camera, in connection with a motion regarding
the validity of the claim of privilege).

12 6. If the claim of privilege is upheld
13 by the Court or the receiving party does not
14 challenge the claim of privilege, all copies
15 of the privileged documents so identified
shall be returned to the depositing party and
counsel for each party shall certify in
writing to counsel for the depositing party
that all such documents have been returned.

17 7. Inadvertent disclosure of any
18 information or document which the depositing
19 party later claims should not have been
disclosed because of any privilege will not
be deemed to constitute a waiver of the
privilege. No parties shall claim or
otherwise urge the Court to deem a privilege
to have been waived solely on the basis of
the inadvertent disclosure of the information
or documents to which the privilege applies.

23 Date: Aug. 4, 2010


24 ROBERT A. MCQUAID, JR.
25 United States Magistrate Judge

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CERTIFICATE OF SERVICE

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It is hereby certified that service of the foregoing
 (proposed) ORDER ON MOTION FOR ORDER PROVIDING FOR CLAWBACK OF
 INFORMATION INADVERTENTLY DISCLOSED was made through the Court's
 electronic filing and notification or by sending a copy thereof
 by electronic mail from Reno, Nevada, addressed to the following
 addressee(s) on August 3, 2010.

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